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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. CR 3-13-70439
13 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
14 v.) DOCUMENTING WAIVER OF TIME
15 TONY MEI,) UNDER RULE 5.1 AND EXCLUSION OF
16 Defendant.) TIME UNDER THE SPEEDY TRIAL ACT
17 _____)

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19 The parties last appeared before the Court in this matter on April 25, 2013 for detention
20 hearing. Assistant United States Attorney Damali Taylor appeared on behalf of the United
21 States. Steven Gruel, Esquire, appeared on behalf of the defendant, TONY MEI, who was
22 present and in custody. During the hearing, conditions of release were agreed upon by the parties
23 and the preliminary hearing in this matter was set for May 29, 2013. The Honorable Nandor J.
24 Vadas excluded time under both Rule 5.1 and the Speedy Trial Act.

25 The parties hereby request that the current date for preliminary hearing, May 29, 2013, be
26 continued to Friday, July 5, 2013, due to scheduling conflicts, as well defense counsel's need to
27 examine the discovery recently provided by the government and investigate the matter before
28 formal charges are filed. Accordingly, pursuant to Federal Rule of Criminal Procedure 5.1, the

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1 Court would be required to conduct a preliminary hearing on or before July 5, 2013, unless, *inter*
2 *alia*, the defendant waives the preliminary hearing or is indicted.

3 Defense counsel further requests that, in order to review the discovery and to conduct
4 investigation necessary to effectively prepare defendant for either trial or resolution, that time be
5 excluded under the Speedy Trial Act between May 29, 2013 and July 5, 2013, the newly
6 stipulated preliminary hearing date. Defense counsel represented that additional time is
7 necessary to review the evidence and investigate the case, and that it is in the best interests of the
8 defendant to do so before formal charges are filed.

9 The government has no objection to excluding time and the parties stipulate to an
10 exclusion of time from May 29, 2013 to July 5, 2013. The parties agree that the ends of justice
11 served by granting such an exclusion of time outweigh the best interests of the public and the
12 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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14 SO STIPULATED:

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MELINDA HAAG
United States Attorney

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DATED: May 15, 2013

/s/
DAMALI A. TAYLOR
Assistant United States Attorney

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DATED: May 15, 2013

/s/
STEVEN GRUEL
Counsel for the Defendant

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1 ~~[PROPOSED]~~ ORDER

2 For the foregoing reasons, the Court HEREBY ORDERS that the preliminary hearing in
3 this matter is re-set to July 5, 2013, at 9:30 a.m. The May 29, 2013 preliminary hearing date is
4 vacated. The Court finds that good cause is shown for extending the time limits set forth in
5 Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the extension is proper
6 under Rule 5.1(d) and Title 18, United States Code, Sections 3060 and 3161.

7 The Court finds that the failure to grant the requested extension would deny counsel the
8 reasonable time necessary for effective preparation, taking into account the exercise of due
9 diligence. The Court finds that the ends of justice served by granting the requested extension
10 outweigh the best interests of the public and the defendant in a speedy trial and in the prompt
11 disposition of criminal cases. The Court also concludes that an exclusion of time from May 29,
12 2013 through and including July 5, 2013, should be made under Title 18, United States Code,
13 Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice
14 served by excluding the period from May 29, 2013 through and including July 5, 2013, outweigh
15 the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

16 **IT IS SO ORDERED.**

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18 Dated: O c{ '39.'4235

